



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,347	09/30/2003	Paul Mayer	F-741	5780

7590

01/13/2006

Pitney Bowes Inc.
Intellectual Property and Technology Law Dept.
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484

EXAMINER

BASS, JON M

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,347	MAYER ET AL.	
	Examiner	Art Unit	
	Jon Bass	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the communication filed on September 30, 2003. Claims 1-15 are currently pending in this application. Claims 1-15 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 8-15 are rejected** under 35 U.S.C. 102(e) as being anticipated by Bruce Barrows (2004/0122781 A1) herein after referenced as Barrows.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 1

02(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As Per Claim 8:

Barrows discloses:

The claim stating: A method for balancing a mail run comprised of a plurality of mail pieces assembled on an automated high speed mail production apparatus, the method comprising, [{abstract}], mail pieces are formed on an inserter machine]:

The claim stating: dividing the mail run into defined subsets, [{pg.2, 0014}], considering a subset of mail pieces];

The claim stating: accounting for a disposition of mail pieces processed in the mail production apparatus, [{pg.1, 0011}], automatically account for discrepancies];

The claim stating: identifying gaps in the subsets where the disposition of one or more mail pieces is unaccounted for, [{pg.2, 0014}] considering a subset of mail pieces to identify gaps];

The claim stating: determining that a completed subset does not include identified gaps, [{pg.2, 0014}, identifies gaps and each are accounted for]; and

The claim stating: submitting the completed subset for delivery prior to finishing balancing for all subsets in the mail run, [{0046, pg.3}, once messages from control system are located from meter, print indicia, then send out].

As Per Claim 9:

Barrows discloses:

The claim stating: comprising the steps of: determining whether a downstream subset, processed prior to the completed subset, has one or more unresolved gaps, [{pg.2, 0049-0052}, shows the process in which gaps are found and accounted for]; and

The claim stating: if the downstream subset has one or more unresolved gaps, then delaying the step of submitting the completed subset for delivery until the downstream subset's gaps are resolved, [{0041, pg.2}, the process identifies gaps, once gaps are accounted for corrections are made then move to next process]

As Per Claim 10:

Barrows discloses:

The claim stating: including the steps of: assigning a sequence of identification numbers to the mail pieces in the mail run, [{pg.2, 0031}, the code can comprise a bar-code]; and

The claim stating: wherein the step of identifying gaps in the subsets includes identifying one or more identification numbers of the sequence that are missing, [{pg.2, 0031}, sheets are coded, and the code can comprise a bar-code].

As Per Claim 11:

Barrows discloses:

The claim stating: wherein the step of accounting for the disposition of mail pieces includes accounting for items manually repaired by an operator and items that are misprocessed or damaged and require reprocessing, [{pg.1, 0010}, meter balancing which is information needed to be reconciled and entered manually] and [{0011}, pg.1}, automatically account for discrepancies].

As Per Claim 12:

Barrows discloses:

The claim stating: A method for balancing a mail run comprised of a plurality of mail pieces assembled on an automated high speed mail production apparatus, the method comprising, [{abstract}], mail pieces are formed on an inserter machine]:

The claim stating: dividing the mail run into defined subsets, [{pg.2, 0014}], considering a subset of mail pieces];

The claim stating: accounting for a disposition of mail pieces processed in the mail production apparatus, [{pg.1, 0011}], automatically account for discrepancies];

The claim stating: identifying gaps in the subsets where the disposition of one or more mail pieces is unaccounted for, [{pg.2, 0014}], considering a subset of mail pieces to identify gaps];

The claim stating: providing a real-time indication of identified gaps during assembly of the mail run by the mail production apparatus, [{abstract}], identifies gaps display in real-time (0042)]; and

The claim stating: resolving the disposition of identified gaps during assembly of the mail run by the mail production apparatus, [{abstract}], gathered information is incomplete creating a need for automatic balancing]; and

The claim stating: updating the accounting of mail piece dispositions based on the resolved gaps, [{abstract}, automatically balancing of mail processing accounts].

As Per Claim 13:

Barrows discloses:

The claim stating: comprising the steps of: determining that a completed subset does not include identified gaps, [{pg.2, 0014}, identifies gaps and each are accounted for]; and

The claim stating: submitting the completed subset for delivery prior to finishing balancing for all subsets in the mail run, [{0046, pg.3}, once messages from control system are located from meter, print indicia, then send out].

As Per Claim 14:

Barrows discloses:

The claim stating: comprising the steps of: determining whether a downstream subset, processed prior to the completed subset, has one or more unresolved gaps, [{pg.2, 0049-0052}, shows the process in which gaps are found and accounted for]; and

The claim stating: if the downstream subset has one or more unresolved gaps, then delaying the step of submitting the

completed subset for delivery until the downstream subset's gaps are resolved, [0041, pg.2], the process identifies gaps, once gaps are accounted for corrections are made then move to next process]

As Per Claim 15:

Barrows discloses:

The claim stating: including the steps of: assigning a sequence of identification numbers to the mail pieces in the mail run, [pg.2, 0031], the code can comprise a bar-code]; and

The claim stating: wherein the step of identifying gaps in the subsets includes identifying one or more identification numbers of the sequence that are missing, [pg.2, 0031], sheets are coded, and the code can comprise a bar-code].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce Barrows (2004/0122781 A1), herein after referenced as Barrows.

As Per Claim 1:

Barrows discloses:

The claim stating: a method for balancing a mail run, [{abstract}, automatic balancing of mail] comprised of a plurality of mail pieces assembled on an automated high speed mail production apparatus, [{abstract}, mail pieces are formed on an inserter machine], the method comprising:

The claim stating: dividing the mail run into defined subsets, [{pg.2, 0014}, considering a subset of mail pieces];

The claim stating: accounting for a disposition of mail pieces processed in the mail production apparatus, [{pg.1, 0011}, automatically account for discrepancies];

The claim stating: identifying gaps in the subsets wherein the disposition of one or more mail pieces is unaccounted for, [{pg.2, 0014} considering a subset of mail pieces to identify gaps];

Barrows doesn't explicitly disclose:

The claim stating: stopping the mail production apparatus if a predetermined number of subsets include identified gaps.

However Barrows teaches on page 3, 0044, that meter register is stopped by control system if values (gaps) are incorrect. This suggests that although the stopping process happens while after the register report, Barrows adds that in some circumstances stopping occurs when running, page 3, 0044. One of ordinary skill in the art at the time the invention was made would have found it obvious to include a meter register that stops during mail production after the subsets have been identified as gaps within the system taught by Barrows with the motivation of stopping the mail production based on the identified gaps (0044).

As Per Claims 2

Barrows discloses:

The claim stating: comprising the steps of: determining that a completed subset does not include identified gaps, [{pg.2, 0014}, identifies gaps and each are accounted for]; and

The claim stating: submitting the completed subset for delivery prior to finishing balancing for all subsets in the mail run, [{0046, pg.3}, once messages from control system are located from meter, print indicia, then send out].

As Per Claim 3:

Barrows discloses:

The claim stating: comprising the steps of: providing a real-time indication of identified gaps during assembly of the mail run by the mail production apparatus, [{pg.3, 0042}, account balance compares piece count and postage in real-time];

The claim stating: and resolving the disposition of identified gaps during assembly of the mail run by the mail production apparatus, [{abstract}, gathered information is incomplete creating a need for automatic balancing]; and

The claim stating: updating the accounting of mail piece dispositions based on the resolved gaps, [{abstract}, automatically balancing of mail processing accounts].

As Per Claim 4

Barrows discloses:

The claim stating: comprising the steps of: determining whether a downstream subset, processed prior to the completed subset, has one or more unresolved gaps, [{pg.2, 0049-0052}, shows the process in which gaps are found and accounted for]; and

The claim stating: if the downstream subset has one or more unresolved gaps, then delaying the step of submitting the completed subset for delivery until the downstream subset's gaps are resolved, [{0041, pg.2}, the process identifies gaps, once gaps are accounted for corrections are made then move to next process]

As Per Claim 5:

Barrows discloses:

The claim stating: including the steps of: providing a real-time indication of identified gaps during assembly of the mail run by the mail production apparatus, [{abstract}, identifies gaps display in real-time (0042)]; and

The claim stating: resolving the disposition of identified gaps during assembly of the mail run by the mail production apparatus, [{abstract}, gathered information is incomplete creating a need for automatic balancing]; and

The claim stating: updating the accounting of mail piece dispositions based on the resolved gaps, [{abstract}, automatically balancing of mail processing accounts].

As Per Claim 6:

Barrows discloses:

The claim stating: including the steps of: assigning a sequence of identification numbers to the mail pieces in the mail run, [{pg.2, 0031}, the code can comprise a bar-code]; and

The claim stating: wherein the step of identifying gaps in the subsets includes identifying one or more identification numbers of the sequence that are missing, [{pg.2, 0031}, sheets are coded, and the code can comprise a bar-code].

As Per Claim 7:

Barrows discloses:

The claim stating: wherein the step of accounting for the disposition of mail pieces includes accounting for items manually repaired by an operator and items that are misprocessed or damaged and require reprocessing, [{pg.1, 0010}, meter balancing which is information needed to be reconciled and entered manually] and [{0011}, pg.1}, automatically account for discrepancies].

Conclusion

Any concerns in regard to this communication, the examiner
Jon Bass can be reached at

Application/Control Number: 10/675,347
Art Unit: 3639

Page 14

(571) 272-6905 between the hours of **9-6pm Monday through Friday**.

The fax number for the establishment where the application is being process is **(571) 273-8300**.

If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Hayes** can be reached at **(571) 272-6708**.

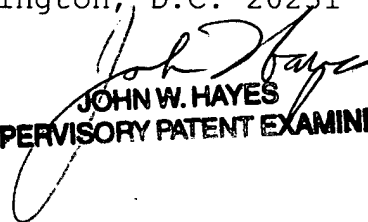
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/O Technology Center 3600

Washington, D.C. 20231


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

